

AN ACT

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RELATING TO BOARDS; EXTENDING THE SUNSET DATES FOR CERTAIN BOARDS;
AMENDING THE PROFESSIONAL PSYCHOLOGIST ACT TO ELIMINATE CERTAIN
EXPERIENCE REQUIREMENTS; SPECIFYING THE CORRECT NAME OF THE
INSPECTION OF PUBLIC RECORDS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-2-18 NMSA 1978 (being Laws 1979, Chapter 12,
Section 3, as amended) is amended to read:

"61-2-18. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board
of optometry is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall
continue to operate according to the provisions of the Optometry Act until July 1, 2010.
Effective July 1, 2010, the Optometry Act is repealed."

Section 2. Section 61-3-31 NMSA 1978 (being Laws 1979, Chapter 379,
Section 11, as amended) is amended to read:

"61-3-31. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board
of nursing is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall
continue to operate according to the provisions of the Nursing Practice Act until July 1,
2010. Effective July 1, 2010, the Nursing Practice Act is repealed."

Section 3. Section 61-4-17 NMSA 1978 (being Laws 1979, Chapter 77,
Section 2, as amended) is amended to read:

"61-4-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The
chiropractic board is terminated on July 1, 2009 pursuant to the Sunset Act. The
board shall continue to operate according to the provisions of the Chiropractic

Physician Practice Act until July 1, 2010. Effective July 1, 2010, the Chiropractic Physician Practice Act is repealed."

Section 4. Section 61-5A-30 NMSA 1978 (being Laws 1994, Chapter 55, Section 42, as amended) is amended to read:

"61-5A-30. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The New Mexico board of dental health care is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Dental Health Care Act and the Impaired Dentists and Dental Hygienists Act until July 1, 2010. Effective July 1, 2010, the Dental Health Care Act and the Impaired Dentists and Dental Hygienists Act are repealed."

Section 5. Section 61-6-35 NMSA 1978 (being Laws 1979, Chapter 40, Section 2, as amended) is amended to read:

"61-6-35. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The New Mexico board of medical examiners is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Medical Practice Act until July 1, 2010. Effective July 1, 2010, the Medical Practice Act is repealed."

Section 6. Section 61-8-17 NMSA 1978 (being Laws 1979, Chapter 385, Section 2, as amended) is amended to read:

"61-8-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of podiatry is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Podiatry Act until July 1, 2010. Effective July 1, 2010, the Podiatry Act is repealed."

Section 7. Section 61-9-5.1 NMSA 1978 (being Laws 1996, Chapter 54,

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Section 12) is amended to read:

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"61-9-5.1. ACTIONS OF BOARD--IMMUNITY--CERTAIN RECORDS NOT
PUBLIC RECORDS.--

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A. A member of the board or person working on behalf of the board shall not be civilly liable or subject to civil damages for any good faith action undertaken or performed within the proper functions of the board.

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B. All written and oral communications made by a person to the board relating to actual or potential disciplinary action shall be confidential communications and are not public records for the purposes of the Inspection of Public Records Act. All data, communications and information acquired by the board relating to actual or potential disciplinary action shall not be disclosed except:

- (1) to the extent necessary to carry out the board's functions;
- (2) as needed for judicial review of the board's actions; or
- (3) pursuant to a court order issued by a court of competent

jurisdiction.

C. Notwithstanding the provisions of Subsection B of this section, at the conclusion of an actual disciplinary action by the board, all data, communications and information acquired by the board relating to an actual disciplinary action taken against a person subject to the provisions of the Professional Psychologist Act shall be public records pursuant to the provisions of the Inspection of Public Records Act."

Section 8. Section 61-9-11.1 NMSA 1978 (being Laws 1983, Chapter 334, Section 4, as amended) is amended to read:

"61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--EXAMINATION.--

A. The board shall issue a license as a psychologist associate to each applicant

who files an application upon a form and in such manner as the board prescribes,
accompanied by the fee required by the Professional Psychologist Act, and who
furnishes evidence satisfactory to the board that he:

(1) has reached the age of majority, is of good moral character and
is not in violation of any of the provisions of the Professional Psychologist Act and the
rules and regulations adopted pursuant to that act;

(2) holds a master's degree in psychology from a department of
psychology of a school or college; and

(3) demonstrates professional competence by passing:

(a) the examination for professional practice in psychology
promulgated by the association of state and provincial psychology boards with a score
equivalent to or greater than the statistical mean as reported by the association of
state and provincial psychology boards for all master's-level candidates taking the
examination on that occasion; and

(b) an oral examination administered and graded by the
board, investigating the applicant's training, experience and knowledge of his area of
practice. The oral examination shall be evaluated on a pass-fail basis.

B. Upon investigation of the application and other evidence submitted, the
board shall, not less than thirty days prior to the examination, notify each applicant that
the application and evidence submitted for licensure is satisfactory and accepted or
unsatisfactory and rejected. If rejected, the notice shall state the reasons for rejection.

C. The place of examination shall be designated in advance by the board, and
examinations shall be given at such time and place and under such supervision as the
board may determine.

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D. In the event an applicant fails to receive a passing grade, he may apply for reexamination and shall be allowed to take a subsequent examination upon payment of the fee required by the Professional Psychologist Act.

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E. The board shall keep a record of all examinations, and the grade assigned to each, as part of its records for at least two years subsequent to the date of examination.

F. The board may adopt reasonable rules and regulations classifying areas and conditions of practice permissible for psychologist associates.”

Section 9. Section 61-9-19 NMSA 1978 (being Laws 1978, Chapter 188, Section 2, as amended) is amended to read:

"61-9-19. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The New Mexico state board of psychologist examiners is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Professional Psychologist Act until July 1, 2010. Effective July 1, 2010, the Professional Psychologist Act is repealed."

Section 10. Section 61-10-22 NMSA 1978 (being Laws 1979, Chapter 36, Section 2, as amended) is amended to read:

"61-10-22. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of osteopathic medical examiners is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of Chapter 61, Article 10 NMSA 1978 until July 1, 2010. Effective July 1, 2010, Chapter 61, Article 10 NMSA 1978 is repealed."

Section 11. Section 61-11-29 NMSA 1978 (being Laws 1979, Chapter 266, Section 2, as amended) is amended to read:

"61-11-29. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of pharmacy is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Pharmacy Act until July 1, 2010. Effective July 1, 2010, the Pharmacy Act is repealed."

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Section 12. Section 61-12B-16 NMSA 1978 (being Laws 1984, Chapter 103, Section 17, as amended) is amended to read:

"61-12B-16. TERMINATION OF BOARD--DELAYED REPEAL.--The advisory board of respiratory care practitioners is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Respiratory Care Act until July 1, 2010. Effective July 1, 2010, the Respiratory Care Act is repealed."

Section 13. Section 61-12D-17 NMSA 1978 (being Laws 1997, Chapter 89, Section 17) is amended to read:

"61-12D-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The physical therapy board is terminated on July 1, 2009 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Physical Therapy Act until July 1, 2010. Effective July 1, 2010, the Physical Therapy Act is repealed."

Section 14. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2003.